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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,304	03/31/2004	Jason M. Mayeroff	MAYEROFF04-01	7276

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EXAMINER
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TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,304	<b>Applicant(s)</b> MAYEROFF, JASON M.	
	<b>Examiner</b> ADETOKUNBO O. TORIMIRO	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The amendment received on 02/07/2008 has been considered. It has been noted that claims 1-18 have been cancelled. New claims 19-60 have been added.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **fig.1, ref. no. 24 and 32; fig.4, ref. nos. 20 and 24; and fig.5, ref. nos. 24.**

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12" and "16" have both been used to designate "the processor" in page 10, line 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- Gaming device and method of displaying a changeable bonus value feature --.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19,21-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Demar et al (US 6,203,429).

Re claims 19,21-24,29-31,33-35,41,45-47,49-51, and 57: Demar et al discloses a device comprising a computer processor adapted to conduct a base game (**see fig.1; col.4, lines 63-67 and col.5, lines 1-6**); and a bonus selection apparatus in communication with said computer processor, said bonus selection apparatus including at least one surface display element adapted to display a changeable bonus award amount in response to the selection of a changeable bonus award amount by said computer processor; wherein said bonus selection apparatus is fixed and includes a plurality of said surface display elements disposed on said bonus selection apparatus; wherein said bonus selection apparatus comprises a video display adapted to depict an object with said bonus award amounts arranged on the surface of; wherein said base game includes game symbols positioned on a player-selected quantity of pay lines, wherein said computer

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processor is adapted to select said bonus award amount based, at least in part, on the quantity of pay lines selected for play in the base game; wherein said base game includes game symbols positioned on pay lines and said player selects the amount wagered on at least one of said pay lines, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on the amount wagered on at least one pay line played in the base game **(see col.5, lines 21-48 and col.6, lines 24-29)**.

Re claims 25-28,32,36-40,42-44,48,52-56, and 58-60: Demar et al discloses wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said computer processor selects said bonus award amount between base games; wherein said bonus selection apparatus is adapted to change the display of said bonus award amount between base games; wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said base game produces at least one outcome, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on an outcome of the base game **(see col.15, lines 11-65)**.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Adams (US 6,089,978). The teachings of Demar et al have been discussed above.

Re claims 20: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al does not explicitly teach wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates.

Adams teaches wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates (**see col.2, lines 39-42**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wheel device and a driver for rotating the wheel device at the bonus selection so as to provide the game player with various options which can be displayed on the rotating wheel, and also to provide a sense of realism to the game; and to include a simulation of ball so has introduce variety into the game, hence increasing player enjoyment of the game.

***Response to Arguments***

9. Applicant's arguments filed 02/07/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714